

**REMARKS**

Claim 15 and 21 have been cancelled and claims 1, 13 and 20 have been amended. No new claims have been added. Accordingly, claims 1, 10-13, 16-19, and 21 remain under prosecution in this application.

**Claim Objections**

Claim 13 is objected to because “the momentary value” in the second line from the bottom lacks antecedent basis and should be changed to - - a momentary value - -. The appropriate change has been made to claim 13.

**35 USC §112, Second Paragraph**

Claims 20 and 21 are rejected under 35 USC §112, second paragraph as being indefinite. Specifically, regarding claim 20, it is unclear to the Examiner the intended meaning of the phrase “monotonously declining.” The Examiner has suggested that the phrase “monotonously declining” should be removed from claim 20 and accordingly the undersigned has removed this phrase from claim 20.

Regarding claim 21, the undersigned has cancelled claim 21 and accordingly, the undersigned believes that the claim rejections of claims 20 and 21 under 35 USC §112, second paragraph are now overcome.

**35 USC §102**

Claims 1, 10, 11, 13, 17-19 and 21 are rejected under 35 USC §102 as being anticipated by Pueschel et al.

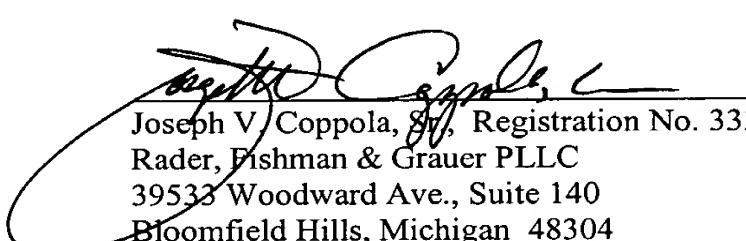
Claim 1 has been amended to incorporate the features of claim 15.

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None of the references of record teach or suggest the invention set forth in newly amended claim 1 and accordingly, the undersigned believes that claim 1 and its dependent claims are now in condition for allowance.

Reconsideration of this application in view of the amendments and arguments made herein is respectfully requested.

Respectfully submitted,

  
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**MARKED UP VERSION OF ALL AMENDED CLAIMS**

1. (Thrice Amended) A method of operating a brake assistant system which comprises a first mode of operation in which the brake assist system is not actuated, a second mode of operation in which after recognition of an emergency brake situation a pressure build-up of wheel brakes is generated, and a third mode of operation which is provided for the transition from the second into the first mode of operation, comprising the steps of:

monitoring the master cylinder pressure in the third mode of operation,

determining when the wheel brake pressure is excessively elevated compared to the monitored master cylinder pressure, and

diminishing the amount of excess elevation by functionally correlating the wheel brake pressure with the monitored master cylinder pressure throughout the duration of the third mode of operation, wherein the diminishing step is further defined by declining the excess elevation function in time intervals in which the master cylinder pressure is declining.

13. (Thrice Amended) The method according to claim 1, wherein the diminishing step includes the sub step of determining a momentary value of the wheel brake pressure by multiplying a momentary value of a time-dependent excess elevation function with [the]a momentary value of the master cylinder pressure throughout the duration of the third mode of operation.

20. (First Amended) The method according to claim 15, wherein the step of declining the excess elevation function [comprises monotonously] further includes declining the excess elevation function as a function of time.

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